

STATE OF ALABAMA,

Plaintiff,

vs.

JERRY E. WHITLEY,
Defendant.

CRIMINAL CASE NUMBER

CC-02-186, 187, 188

ATTORNEY'S FEE DECLARATION

IN-COURT TIME		
DATE	ACTION	TIME
2/20/02	In court - hearing - appointment	0.4
4/9/02	In court - hearing - docket call	0.5
6/19/02	In court - hearing docket call	0.6
6/20/02	In court - motion hearing	1.8
7/29/02	In court - hearing - docket call	0.2
8/26/02	In court - hearing on motion to suppress	1.7
9/4/02	In court - hearing - docket call	3.1
10/16/02	In court - hearing - docket call	0.2
10/23/02	In court - hearing - motion in limine and writ of habeas corpus	0.5
11/19/02	In court - hearing - docket call	0.4
12/2/02	In court - hearing - jury qualification	1.3
12/5/02	In court - trial	7.0
1/14/03	In court - hearing - sentencing	0.9
Total In-Court Time		18.6

OUT-OF-COURT TIME		
DATE	ACTION	TIME
2/20/02	Travel from court	0.2
2/20/02	Preparation of, filing and serving motions	0.5
2/20/02	Review of indictments	0.3
2/22/02	Conference with attorney Rick Chancey, client's attorney at preliminary hearing level	0.3
2/26/02	Receipt and review of orders	0.1
2/27/02	Receipt and review of State's motion for discovery and motion for consolidation of offenses	0.3

DATE	ACTION	OUT-OF-COURT TIME	TIME
2/28/02	Receipt and review of message from client's brother		0.1
2/28/02	Preparation of motion for reduction of bond		0.4
2/28/02	Conference with D.A.; Receipt and review of discovery and plea offer		0.3
2/28/02	Letter to client		0.4
3/1/02	Review, revise and finalize motion for reduction of bond; filing and serving		0.3
3/4/02	Conference with attorney Rick Chancey		0.4
3/4/02	Receipt and review of order on State's motion for discovery		0.3
3/4/02	Receipt and review of letters from client		0.4
3/4/02	Telephone call from client's brother		0.1
3/5/02	Travel to and from jail for conference with client		1.6
3/8/02	Receipt and review of order denying motion for reduction of bond; forward copy to client		0.2
3/8/02	Legal research re reasonableness of bond		0.5
3/11/02	Telephone conference with Clerk of Court of Criminal Appeals		0.2
3/11/02	Drafting writ of petition for habeas corpus		0.6
3/12/02	Legal research		0.4
3/12/02	Review, revise and finalize petition for writ of habeas corpus		0.5
3/12/02	Filing and service of petition for writ of habeas corpus; letter to client; Receipt and review of letter from client		0.7
3/13/02	Receipt and review of letter from client		0.1
3/14/02	Receipt and review of letter from client		0.1
3/15/02	Receipt and review of letter from client		0.1
3/16/02	Receipt and review of letter from client		0.1
3/18/02	Receipt and review of message from client		0.1
3/20/02	Receipt and review of letter from client		0.1
3/21/02	Receipt and review of order reducing bond amounts		0.1
3/21/02	Receipt and review of order from Court of Criminal Appeals for response to petition for writ of habeas corpus		0.1
3/22/02	Travel to and from jail for conference with client		1.0
3/28/02	Letter to client re bond reduction		0.1
4/2/02	Receipt and review of response to petition for writ of habeas corpus		0.5
4/3/02	Conference with attorney Rick Chancey		0.1

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
4/4/02	Telephone call from client's father	0.2
4/4/02	Legal research	0.1
4/9/02	Travel to and from court for docket call	0.3
4/10/02	Receipt and review of Attorney General's motion to accept substitute exhibit to response	0.2
4/10/02	Letter to client with copies of filings	0.4
4/11/02	Receipt and review of Court of Criminal Appeals dismissal of petition for writ of habeas corpus; letter to client with copy	0.1
4/17/02	Telephone conference with client	0.9
4/25/02	Letter to client	0.1
5/23/02	Telephone conference with Buster Landreau	0.2
5/23/02	Receipt and review of State's motion for joinder of defendants at trial	0.1
5/24/02	Preparation of, filing and serving objection to motion for joinder; forward copies of filings to client	0.4
5/24/02	Travel to and from D.A.'s office; review of prosecutor's tapes	2.0
6/4/02	Conference with client; notes	0.6
6/11/02	Telephone conference with D.A.'s office; telephone call to client; notes	0.4
6/11/02	Legal research; drafting motions	0.5
6/13/02	Review, revise and finalize motions; preparation of, filing and serving Motion to Suppress Arrest and Evidence and Search Warrant, Motion to Permit Independent Analysis and Motion for Approval of Extraordinary Expenses; forward copies to client	1.2
6/17/02	Receipt and review of lab report and message from D.A.	0.2
6/17/02	Conference with Buster Landreau	0.8
6/18/02	Legal research re lab/mixture	0.6
6/18/02	Preparation of, filing and serving Motion for Further Analysis of Alleged Controlled Substance and Motion to Exclude Laboratory Report	1.0
6/19/02	Travel to and from court for docket call	0.2
6/19/02	Legal research	1.0
6/19/02	Drafting and filing motions and subpoena requests; deliver subpoenas to Sheriff's office	1.5
6/19/02	Review, revise and finalize, filing and serving Motion to Continue	0.2
6/19/02	Telephone calls to witnesses and a witness's employer re attendance at hearing on 6/20/02	0.2

DATE	ACTION	<u>OUT-OF-COURT TIME</u>	TIME
6/20/02	Preparation for hearing		0.3
6/20/02	Travel to and from court for hearing		0.3
6/20/02	Conference with client prior to hearing		0.3
6/20/02	Conference with co-defendant's attorney Jeremy Armstrong		0.9
6/20/02	Legal research on issues re sentencing		1.4
6/20/02	Telephone calls to Department of Corrections and Department of Pardons and Paroles		0.6
6/20/02	Letters to witnesses		0.2
6/20/02	E-mail to Department of Corrections		0.3
6/20/02	Telephone call to office of Federal Public Defenders		0.1
6/20/02	Telephone call from Federal Public Defenders; telephone call to Buster Landreau		0.4
6/20/02	Telephone call to Martindale-Hubbell to look for expert witness		0.2
6/20/02	Telephone call to Buster Landreau; telephone call from client		0.2
6/21/02	Travel to and from D.A.'s office to pick up tapes and player		0.5
6/21/02	Conference with client		1.0
6/21/02	Receipt and review of order denying approval of extraordinary expenses		0.1
6/21/02	Preparation of, filing and serving Motion for Reconsideration of motion for extraordinary expenses		4
6/21/02	Conference with Buster Landreau		0.6
6/25/02	Telephone call from Department of Corrections		0.3
6/25/02	Receipt and review of order denying motion for reconsideration; letter to client		0.2
7/3/02	Telephone call from client		0.4
7/8/02	Telephone calls to Smith-Kline Laboratories		0.3
7/11/02	Receipt of notice of docket call; letter to client; conference with client		0.3
7/16/02	Telephone call from client; notes; telephone calls to Smith-Kline		0.3
7/23/02	Telephone calls to witnesses		0.1
7/24/02	Telephone call to potential expert witness Dr. Hiatt; fax lab report to Dr. Hiatt; telephone call from Dr. Hiatt		0.6
7/25/02	Receipt and review of order to show cost and time for completion of independent analysis		0.1
7/25/02	Telephone call to Buster Landreau; telephone call to client		0.3

DATE	ACTION	OUT-OF-COURT TIME	TIME
7/26/02	Preparation of, filing and serving Supplemental Information in Support of Motion for Reconsideration of Extraordinary Expenses		0.7
7/29/02	Travel to and from court for hearing, docket call, filing		0.4
7/29/02	Conference with Buster Landreau and conference with client prior to hearing		0.2
7/29/02	Receipt and review of order granting motion for consolidation of cases for trial		0.1
7/31/02	Preparation of proposed order; fax to Dr. Hiatt		0.6
8/6/02	Telephone call to Dr. Hiatt		0.1
8/6/02	Telephone calls to Forensic Sciences, Department of Transportation re method for shipping samples		0.7
8/7/02	Telephone calls to shipping agencies		0.4
8/9/02	Receipt and review of Order for Transport of samples		0.1
8/15/02	Receipt and review of State's motion to amend order for transport		0.5
8/16/02	Preparation of, filing and serving objection to motion to amend order		0.5
8/19/02	Letter to client; telephone call to Buster Landreau; telephone call to Dr. Hiatt		0.3
8/22/02	Conference with attorney Rick Chancey		0.8
8/22/02	Telephone call from client; telephone call from Ed Berry		0.2
8/22/02	Telephone calls to attorneys Joel Collins, Tommy Worthy and Jeremy Armstrong re co-defendants		0.5
8/22/02	Letter to Buster Landreau		0.2
8/23/02	Preparation of, filing and serving motion in limine		0.3
8/23/02	Telephone call from client		0.2
8/23/02	Preparation and delivery of subpoenas; telephone calls and letters to witnesses		1.3
8/23/02	Conference with Clerk; preparation of, filing and serving motion to transport witness Steven Mosseson to suppression hearing; deliver motion		0.8
8/23/02	Telephone conference with client		0.2
8/23/02	Telephone conference with witness Carolyn Martin		0.2
8/23/02	Receipt and review of Buster Landreau and State's Notice of Intent to Seek Sentencing Enhancements		0.1
8/23/02	Conference with attorney Rick Chancey		0.7
8/23/02	Telephone call to Buster Landreau; telephone call to Forensic Science lab		0.3
8/26/02	Preparation for hearing on motion to suppress		1.9

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
8/26/02	Telephone call to Jeremy Armstrong; telephone call to client	0.4
8/26/02	Travel to and from court for hearing	0.4
8/26/02	Conference with client prior to hearing	0.2
8/26/02	Conference with client after hearing	0.1
8/28/02	Receipt and review of order denying motion	0.1
8/28/02	Preparation of, filing and serving motion to continue	0.4
9/4/02	Travel to and from court for docket call	0.3
9/4/02	Preparation of motion to set aside writ of arrest and withdraw revocation of bond (client was late for docket call); conference with client's mother; preparation of affidavit for client's mother in support of motion; filing and serving motion	1.0
9/4/02	Telephone conferences with Dr. Hiatt; telephone call to Forensic Science lab	0.3
9/5/02	Preparation of, filing and serving amendment to motion	0.3
9/5/02	Receipt and review of letter from Buster Landreau re shipping samples	0.2
9/18/02	Receipt and review of several letters from client	0.4
9/18/02	Preparation of, filing and serving petition for writ of habeas corpus	0.6
9/23/02	Preparation of, filing and serving motion to compel compliance with order for transport of samples	1.0
9/23/02	Letter to client	0.2
9/23/02	Letter to client; delivery of letter to jail with copies of filings	0.6
9/24/02	Travel to and from jail for conference with client; notes to file	0.5
9/27/02	Receipt and review of State's response to motion to compel	0.3
10/1/02	Preparation of, filing and serving reply to State's response	0.7
10/7/02	Receipt and review of letters from client	0.3
10/9/02	Telephone call from client's mother	0.1
10/10/02	Receipt and review of letter from client	0.3
10/10/02	Receipt and review of order on motion to compel and order setting hearing on motions to set aside writ of arrest and revocation of bond and motion in limine	0.3
10/10/02	Receipt and review of order setting hearing on petition for writ of habeas corpus and order denying motion to compel	0.2
10/10/02	Research best way to ship samples	0.3
10/10/02	Telephone call from Buster Landreau	0.2

DATE	ACTION	OUT-OF-COURT TIME	TIME
10/11/02	Preparation of, filing and serving motion to continue		0.5
10/11/02	Travel to and from jail for conference with client		0.8
10/11/02	Telephone call to Dr. Hiatt		0.1
10/15/02	Telephone conference with Buster Landreau re obtaining samples from Forensic Sciences		0.3
10/16/02	Travel to and from court for docket call		0.4
10/16/02	Telephone conference with Buster Landreau, receipt and review of plea offer		0.4
10/16/02	Telephone calls from client's father		0.3
10/16/02	Conference with client's uncle, Vince Maci; receipt and review of paper from him		0.4
10/16/02	Travel to and from jail for conference with client to discuss plea offer		0.4
10/16/02	Receipt and review of order setting motion hearing		0.1
10/17/02	Telephone call to Buster Landreau with counteroffer to plea agreement		0.2
10/17/02	Travel to and from jail for conference with client		0.6
10/18/02	Travel to and from jail for conference with client		0.6
10/21/02	Letter to client confirming his rejection of plea offer and options		0.3
10/21/02	Travel to and from jail for conference with client		0.4
10/22/02	Telephone call from client's father		0.1
10/22/02	Travel to and from Forensic Sciences Lab to observe collection and packaging of samples for shipment; telephone call to Federal Express agents to pick up samples; telephone call to Dr. Hiatt with tracking number		3.1
10/22/02	Mailing petition for writ of habeas corpus to Court of Criminal Appeals; filing and serving petition; forward copy to client		0.3
10/23/02	Preparation for hearing		0.4
10/23/02	Travel to and from court for hearing		0.4
10/23/02	Telephone conference with client's father		0.2
10/24/02	Letter to court reporter requesting transcripts of guilty pleas and hearing		0.3
10/24/02	Letter to client concerning status of case		0.4
10/25/02	Attempt to reach Dr. Hiatt; fax letter to Dr. Hiatt to request copy of CV		0.3
10/25/02	Receipt and review of order on motion to reduce bond and motion in limine; letter to client with copies		0.2
10/29/02	Telephone calls from client's father		0.1
10/29/02	Receipt and review of letter from client		0.4

DATE	ACTION	OUT-OF-COURT TIME	TIME
10/29/02	Response letter to client		0.4
10/30/02	Receipt and review of message from Dr. Hiatt re status of tests		0.1
11/4/02	Telephone call from client's father		0.2
11/4/02	Receipt and review of letter from client		0.2
11/6/02	Receipt and review of Court of Appeals denial of writ of habeas corpus		0.1
11/6/02	Letter to client with copy of order		0.1
11/15/02	Receipt and review of letter from client		0.1
11/15/02	Telephone call from Dr. Hiatt regarding analyses		0.3
11/19/02	Travel to and from court for docket call		0.2
11/21/02	Receipt and review of letter from client		0.1
11/22/02	Receipt and review of telephone messages from client's father		0.1
11/25/02	Receipt and review of letter from client		0.1
11/25/02	Telephone call from court reporter regarding transcripts		0.1
11/26/02	Telephone call and fax to fire department re call on 9/21/02		0.3
11/26/02	Preparation of motions for trial		0.3
11/26/02	Preparation of jury instructions		0.2
11/26/02	Receipt and review of lab reports and Dr. Hiatt's CV		0.5
11/26/02	Copy reports and CV, dictation of letter to Buster Landreau with copies		0.3
11/26/02	Review of various letters from client; legal research; letter to client		1.0
11/26/02	Preparation of, filing and serving subpoena to fire department		0.3
11/26/02	Legal research re witnesses		0.5
12/2/02	Receipt and review of jury list (venire)		0.5
12/2/02	Synthesis and analysis of juror information		1.2
12/2/02	Review and research of venire		1.0
12/2/02	Travel to and from court for jury qualification		0.2
12/2/02	Preparation for trial		4.0
12/3/02	Preparation of, filing and serving motion to continue and motion for extraordinary expenses		0.8
12/3/02	Letter to client with copies of pleadings and documents; hand deliver to jail		0.6
12/3/02	Preparation for trial		8.6

<u>OUT-OF-COURT TIME</u>		
DATE	ACTION	TIME
12/4/02	Receipt and review of D.A.'s motion in limine and response to motion for continuance, motion for extraordinary expenses	0.4
12/4/02	Receipt and review of order on motion to continue	0.1
12/4/02	Preparation for trial	4.7
12/5/02	Travel to and from court	0.4
12/9/02	Receipt and review of orders on motions	0.3
1/13/03	Receipt and review of pre-sentencing report	0.4
1/14/03	Travel to and from court	0.2
1/14/03	Preparation of, filing and serving notice of appeal and motion to appoint appellate counsel	0.6
1/17/03	Receipt and review of Notice of Appeal to the Alabama Court of Criminal Appeals	0.2
1/17/03	Telephone conference with Sherrie Greenlees; notes	0.2
1/21/03	Preparation of, filing and service of Motion to Withdraw Representation and to Appoint Appellate Counsel and motion for indigency status	0.9
1/21/03	Travel to and from courthouse to file documents	0.3
1/23/03	Receipt and completion of docketing statement and transcript purchase order, deliver to clerk	0.5
1/26/03	Receipt and review of Informational Notice to Appellant	0.2
1/27/03	Receipt and review of filed copies of above	0.2
1/28/03	Preparation of and mailing certified request for reimbursement of office overhead expenses	0.5
2/11/03	Follow-up telephone call to Sherrie Greenlees at Russell County Circuit Clerk's office re why indigency status motion not ruled on	0.2
2/11/03	Telephone call to Court of Criminal Appeals re delayed paperwork; advised March 11 deadline to produce transcript	0.1
2/11/03	Dictation of letter to clerk with copies of paperwork from Court file	0.3
2/12/03	Letter to client with all of above information	0.2
2/12/03	Preparation of billing; close file	0.5
Total Out-of-Court Time		103.5

<u>OVERHEAD EXPENSE</u>		
2/20/02	Order Approved	122.1

Terry Whitley
Petitioner's Name

v. State of Alabama
Appellee

Trial Court Case No.

CC 02-186
CC 02-187
CC 02-188

Notice of Appeal Date 1/14/03

On appeal from the:

Circuit Court of
 District Court of
 Juvenile Court of

Russell County

RECEIVED
CLERK'S OFFICE
JULY 11 2003
2:26 PM
2003

I, Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 3/11/03, and with this extension the transcript will be due on 4/8/03.

REASONS: _____

Linda Wilson
Court Reporter

3/11/03
Date

TRIAL COURT ACTION

Upon consideration of the above request, I hereby grant a 28- day extension to complete said transcript, thus extending the transcript's due date to 4/8/03. Upon granting this request, I direct the court reporter to file this order with the Clerk of this Court and to mail or fax a copy hereof to the Clerk of the Court of Criminal Appeals at the address noted below by no later than the transcript due date in effect immediately preceding this order.

The above referenced request for a local extension is denied.

Vance R. Dunn
Judge's Signature

3/11/03
Date

Note: Pursuant to Rule 11(c) of the Alabama Rules of Appellate Procedure, local extensions cannot total more than 28 days and cannot be to a date more than 84 days from the date of the notice of appeal.

The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Fax (334) 242-4689

H. W. "Steve" MILLION
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAS
GREG SHAW
J. KELLI WISE
Judges

March 11th, 2003

Diane YOUNG
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186;
CC02-187; CC02-188).

You are hereby notified that the Court of Criminal Appeals acknowledges that the following action was taken in the above cause by the trial court:

Additional time is granted to certify the completion of reporter's transcript to and including 04/08/2003.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Linda S. Wilson, Court Reporter
Honorable J. Michael Williams, Sr., Attorney, Appellant

CLERK'S OFFICE
MAR 13 PM/2003
Linda S. Wilson
Court Reporter

Fax: (334) 242-4683

The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36100-1555

Final Appeals Case Number:

CR 02- 0734

Ferry Whitley
spellant's name

02-0739
v. State of Alabama
Appellee

trial Court Case No. CC 02-186
CC 02-187

Notice of Appeal Date 1/14/03

~~CC 02-188~~
CC 02-187
CC 02-188

In appeal from the:

Circuit Court of
 District Court of
 Juvenile Court of

Russell County

1. Linda Wilson, a court reporter in the above referenced case,
by request a 28- day extension to complete the transcript in said cause for the reasons
I have set out below. Currently this transcript is due on 4/8/03, and with this extension
the transcript will be due on 5/6/03.

REASONS:

Linda Wilson

Court Reporter

4/8/03
Date

Linda Wilson 7/16/05
Court Reporter Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

Fax: (334) 242 - 4689

The Clerk of the Court of Criminal Appeals
P. O. Box 301555
Montgomery, Alabama 36130-1555

Criminal Appeals Case Number

CR 02-0739

Appellant's Name
Terry Whitley

v. State of Alabama
Appellee

Criminal Court Case No.

CC02-186
CC02-187
CC02-188

Notice of Appeal Date 1/14/03

In appeal from the:

Circuit Court of
 District Court of
 Juvenile Court of

Russell County

I, Linda Wilson, a court reporter in the above referenced case, hereby request a 28- day extension to complete the transcript in said cause for the reasons I have set out below. Currently this transcript is due on 5/6/03, and with this extension the transcript will be due on 6/3/03.

REASONS:

Linda Wilson

Court Reporter

5/5/03

Date

Note: Rule 11(c) of the Alabama Rules of Appellate Procedure prohibits an appellate court from granting an extension if the request is not received by the clerk of the appellate court within the time originally prescribed or before the expiration of an extension previously granted. Based on internal policy of the Court of Criminal Appeals, no more than two 28-day extensions will be granted.

DICIAL BUILDING, 300 DEADER AVENUE
H. W. "Bucky" McLELLAN PO BOX 1555 MONTGOMERY, AL 36130-1555
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
. KELLI WISE
Judges

May 5th, 2003

Lane W. Mann
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

RE: CR-02-0739

Jerry Eugene Whitley v. State of Alabama (Appeal from Russell Circuit Court: CC02-186; CC02-187; CC02-188).

You are hereby notified that the following action was taken in the above cause by the Court of Criminal Appeals:

Additional time is granted to certify the completion of reporter's transcript to and including 06/03/2003.

Lane W. Mann, Clerk
Court of Criminal Appeals

LWM/sm

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Linda S. Wilson, Court Reporter
Honorable J. Michael Williams, Sr., Attorney, Appellant

RUSSELL CIRCUIT COURT
RUSSELL CIRCUIT COURT
RUSSELL CIRCUIT COURT
RUSSELL CIRCUIT COURT

APPEAL - 7 MARCH 2003

000367

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
 OPER: TIW CASE ACTION SUMMARY
 PAGE: 1 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 =====
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

=====
 CHARGE01: RESISTING ARREST CODE01: REST LIT: RESISTING ARRE TYP: M #: 001
 OFFENSE DATE: 09/21/2001 AGENCY/OFFICER: 0570000

DATE WAR/CAP ISS: 09/04/2002
 DATE INDICTED: 01/16/2002
 DATE RELEASED:
 BOND AMOUNT: \$1,000.00

DATE ARRESTED: 09/21/2001
 DATE FILED: 01/23/2002
 DATE HEARING:
 SURETIES:

DATE 1: 01/14/2003 DESC: SENT TIME: 1000 A
 DATE 2: 12/02/2002 DESC: JTBL TIME: 0900 A

TRACKING NOS: GJ 2001 000287 00 / DC 2001 002357 00 / WR 2001 003012 00

DEF/ATY: FARRAR LAUREL WHEELING TYPE: A TYPE:
 PO DRAWER 2500

PHENIX CITY AL 36868 00000

PROSECUTOR: LANDREAU BUSTER

=====
 OTH CSE: GJ200100028700 CHK/TICKET NO: GRAND JURY: 168
 COURT REPORTER: SID NO: 000000000
 DEF STATUS: PRISON DEMAND: OPER: JOS

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
01/23/2002	SET FOR: ARRAIGNMENT ON 02/20/2002 AT 1000A(AR01)	JOS
02/20/2002	***ARRAIGNMENT ORDER***	JOS
02/20/2002	ORDER APPOINTING THE HON. LAUREL FARRAR, DEFENDANT	JOS
02/20/2002	WAIVES READING OF INDICTMENT AND ENTERS	JOS
02/20/2002	A PLEA OF NOT GUILTY.	JOS
02/20/2002	SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)	JOS
02/20/2002	AFFIDAVIT OF SUBSTANTIAL HARDSHIP	JOS
02/22/2002	MOTION FOR APPROVAL OF EXPENSES	JOS
02/22/2002	REQUEST FOR DISCOVERY	JOS
02/27/2002	ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY	JOS
02/27/2002	MOTION FOR CONSOLIDATION OF OFFENSES	JOS
02/27/2002	MOTION FOR DISCOVERY BY STATE	JOS
02/27/2002	NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST	JOS
02/28/2002	ORDER ON MOTION FOR DISCOVERY BY STATE	JOS
03/01/2002	MOTION FOR APPROVAL OF EXPENSES GRANTED	JOS
03/04/2002	MOTION FOR REDUCTION OF BOND	JOS
03/05/2002	WRITTEN PLEA OF NOT GUILTY AND WAIVER OF	JOS

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
OPEP: TIW CASE ACTION SUMMARY PUN DATE: 06/05/2003
PAGE: 2 CIRCUIT CRIMINAL
===== IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
SSN: 259177161 ALIAS NAMES:

TRANS DATE	ACTIONS, JUDGEMENTS, AND NOTES	OPE
03/05/2002	ARRAIGNMENT	JOS
03/06/2002	MOTION FOR REDUCTION OF BOND DENIED	JOS
03/13/2002	PETITION FOR WRIT OF HABEAS CORPUS (BOND REDUCED)	JOS
03/15/2002	CASE SET ON 04/23/2002	JOS
03/15/2002	NOTICE FLAG SET TO: N	JOS
03/18/2002	ORDER FROM THE COURT OF CRIMINAL APPEALS THAT THE	JOS
03/18/2002	RESPONDENT IS GRANTED 14 DAYS TO RESPOND TO	JOS
03/18/2002	THE ALLEGATIONS CONTAINED IN THIS PETITION FOR	JOS
03/18/2002	THE WRIT OF HABEAS CORPUS	JOS
03/27/2002	ORDER REDUCING BOND TO \$1,000.00.	JOS
04/09/2002	SET FOR: JURY TRIAL ON 05/13/2002 AT 0900A (AR10)	JOS
04/10/2002	ORDER OF DISMISSAL OF WRIT OF HABEAS CORPUS FROM	JOS
04/10/2002	THE COURT OF CRIMINAL APPEALS	JOS
04/15/2002	(4/9/02) ORDER CONTINUING CASE TO THE MAY 13,	JOS
04/15/2002	2002, TRIAL DOCKET.	JOS
04/19/2002	ADDR1 CHANGED FROM: R.C. JAIL (AR01)	JOS
04/19/2002	SURETY ADDED: AAA BONDING CO. (AR01)	JOS
04/19/2002	STATUS CHANGED TO: "B" - BOND (AR01)	JOS
04/19/2002	DEFENDANT RELEASED FROM JAIL: 04/16/2002 (AR01)	JOS
04/19/2002	HOME CITY CHANGED FROM: PHENIX CITY (AR01)	JOS
04/30/2002	SET FOR: JURY TRIAL ON 06/24/2002 AT 0900A (AR10)	JOS
05/22/2002	WITNESS SUBPOENA ISSUED AWP24	JOS
05/23/2002	MOTION FOR JOINDER OF DEFENDANTS FOR TRIAL	JOS
05/24/2002	OBJECTION TO CONSOLIDATION	JOS
06/13/2002	MOTION TO SUPPRESS ARREST AND EVIDENCE AND	JOS
06/13/2002	SEARCH WARRANT	JOS
06/13/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/13/2002	MOTION TO PERMIT INDEPENDENT ANALYSIS	JOS
06/19/2002	MOTION TO CONTINUE	JOS
06/19/2002	MOTION TO EXCLUDE LABOPATORY REPORT	JOS
06/19/2002	MOTION FOR FURTHER ANALYSIS OF ALLEGED CONTROLLED	JOS

ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
OPER: TIW CASE ACTION SUMMARY
PAGE: 3 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
===== IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
SSN: 259177161 ALIAS NAMES:

06/19/2002	SUBSTANCE	JOS
06/20/2002	SET FOR: JURY TRIAL ON 08/05/2002 AT 0900A (AR10)	JOS
06/21/2002	(6/19/02) ORDER CONTINUING TRIAL TO AUGUST 5, 2002	JOS
06/21/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
06/21/2002	DENIED	JOS
06/25/2002	MOTION FOR RECONSIDERATION OF DEFENDANT'S MOTION	JOS
06/25/2002	FOR APPROVAL OF EXTRAORDINARY EXPENSES DENIED	JOS
07/11/2002	WITNESS SUBPOENA ISSUED	AWP24
07/29/2002	SUPPLEMENTAL INFORMATION IN SUPPORT OF DEFEN-	JOS
07/29/2002	DANT'S MOTION FOR RECONSIDERATION OF DEFEN-	JOS
07/29/2002	DANT'S MOTION FOR APPROVAL OF EXTRAORDINARY	JOS
07/29/2002	EXPENSES PURSUANT TO MAY V. STATE	JOS
08/05/2002	(7/29/02) ORDER CONTINUING CASE TO SEPTEMBER 16,	JOS
08/05/2002	2002, TRIAL DOCKET. HEARING ON MOTION TO	JOS
08/05/2002	SUPPRESS SET FOR AUGUST 26, 2002, AT 2:00 PM	JOS
08/05/2002	MOTION TO CONSOLIDATE GRANTED	JOS
08/05/2002	SET FOR: JURY TRIAL ON 09/16/2002 AT 0900A (AR10)	JOS
08/05/2002	SET FOR: MOTION TO SUPPRESSES ON 08/26/2002 AT 0200P	JOS
08/16/2002	OBJECTION TO MOTION TO AMEND ORDER	JOS
08/20/2002	(7/29/02) MOTION TO CONSOLIDATE GRANTED	JOS
08/23/2002	DEFENDANT'S MOTION IN LIMINE	JOS
08/23/2002	MOTION TO TRANSPORT (STEVEN MOSESES-LEE CO.)	JOS
08/23/2002	ORDER FOR THE RUSSELL COUNTY SHERIFF TO TRANSPORT	JOS
08/23/2002	STEVEN MOSESON FROM LEE COUNTY JAIL TO APPEAR	JOS
08/23/2002	IN COURTROOM I AT 2:00 P.M. ON AUGUST 26, 2002.	JOS
08/28/2002	DEFENDANT'S SECOND MOTION TO CONTINUE	JOS
08/28/2002	MOTION TO SUPPRESS DENIED	JOS
09/04/2002	ALIAS WARRANT ISSUED: 09/04/2002 (AR08)	JOS
09/04/2002	ALIAS WRIT EXECUTED BY PLACING DEFENDANT IN JAIL	JOS
09/04/2002	MOTION TO SET ASIDE WRIT OF ARREST AND WITHDRAW	JOS
09/04/2002	REVOCATION OF BOND	JOS
09/05/2002	AMENDMENT TO MOTION TO SET ASIDE WRIT OF ARREST	JOS

ACRO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
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 PAGE: 4 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 ===== IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SLO105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00

FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

09/05/2002	AND WITHDRAW REVOCATION OF BOND	JOS
09/05/2002	WITNESS SUBPOENA ISSUED	AWP24 JOS
09/13/2002	(9/04/02) UPON FAILURE OF DEFENDANT TO APPEAR IN	JOS
09/13/2002	COURT, PRELIMINARY FORFEITURE AND ALIAS	JOS
09/13/2002	ORDERED. ORIGINAL BOND AMOUNTS REINSTATED,	JOS
09/13/2002	CASE CONTINUED TO THE OCTOBER 28, 2002, TRIAL	JOS
09/13/2002	DOCKET.	JOS
09/16/2002	SET FOR: JURY TRIAL ON 10/28/2002 AT 0900A (AR10)	JOS
09/19/2002	PETITION FOR WRIT OF HABEAS CORPUS	JOS
09/23/2002	MOTION TO COMPEL COMPLIANCE WITH THE COURT'S	JOS
09/23/2002	ORDER FOR TRANSPORT OF SAMPLES FOR INDEPENDENT	JOS
09/23/2002	ANALYSIS	JOS
09/26/2002	RESPONSE TO MOTION TO COMPEL	JOS
10/01/2002	REPLY TO RESPONES TO MOTION TO COMPEL	JOS
10/09/2002	WITNESS SUBPOENA ISSUED	AWP24 JOS
10/09/2002	ORDER SETTING HEARING ON MOTION TO SET ASIDE WRIT	JOS
10/09/2002	OF ARREST AND WITHDRAW REVOCATION OF BOND AND	JOS
10/09/2002	MOTION IN LIMINE FOR OCTOBER 23, 2002, AT	JOS
10/09/2002	3:00 P.M.	JOS
10/10/2002	MOTION TO COMPEL DENIED	JOS
10/10/2002	ORDER SETTING HEARING ON WRIT OF HABEAS CORPUS	JOS
10/10/2002	FOR OCTOBER 23, 2002, AT 3:00 P.M.	JOS
10/11/2002	MOTION TO CONTINUE	JOS
10/16/2002	SET FOR: JURY TRIAL ON 12/02/2002 AT 0900A (AR10)	JOS
10/17/2002	ORDER CONTINUING TRIAL TO DECEMBER 2, 2002,	JOS
10/17/2002	MOTIONS HEARING SET FOR OCTOBER 23, 2002, AT	JOS
10/17/2002	3:00 P.M.	JOS
10/24/2002	(10/23/02) MOTION TO REDUCE BOND DENIED. MOTION	JOS
10/24/2002	IN LIMINE GRANTED AS TO PHOTOGRAPHS OF CO-	JOS
10/24/2002	DEFENDANTS AND DENIED AS TO VIDEOTAPE INVOLVING	JOS
10/24/2002	DEFENDANTS AND CO-DEFENDANTS. THE COUP	JOS
10/24/2002	RESERVES RULING ON MOTION IN LIMINE AS TO	JOS

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PAGE: 5 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
===== IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SL0105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HP: BRO EYES: BRO
SSN: 259177161 ALIAS NAMES:

10/24/2002	SINGLE PHOTOGRAPH OF DEFENDANT.	JOS
10/25/2002	PETITION FOR WRIT OF HABEAS CORPUS DENIED (BY GRG)	JOS
11/04/2002	COPY OF ORDER OF DENIAL OF WRIT OF HABEAS CORPUS	JOS
11/20/2002	WITNESS SUBPOENA ISSUED	AWP24 JOS
11/22/2002	PARTY ADDED W011 STEVEN MOSESON	(AW21) JOS
11/22/2002	PARTY W011 ISSUED DATE: 11202002 TYPE:	(AW21) JOS
11/22/2002	PARTY ADDED W012 WAYNE MEADOWS	(AW21) JOS
11/22/2002	PARTY ADDED W007 WAYNE MEADOWS	(AW21) JOS
11/22/2002	WAYNE MEADOWS DELETED W012	(AW21) JOS
11/22/2002	WITNESS SUBPOENA ISSUED TO W007 WAYNE MEADOWS	JOS
11/22/2002	WITNESS SUBPOENA ISSUED TO W011 STEVEN MOSESON	JOS
12/03/2002	DEFENDANT'S MOTION TO CONTINUE	JOS
12/03/2002	MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES	JOS
12/04/2002	MOTION IN LIMINE	JOS
12/04/2002	RESPONSE TO MOTION FOR CONTINUANCE AND MOTION FOR	JOS
12/04/2002	EXPENSES	JOS
12/04/2002	MOTION TO CONTINUE DENIED	JOS
12/04/2002	MOTION FOR APPROVAL OF COURT REPORTER EXPENSES	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #1	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #2	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #3	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #4	JOS
12/05/2002	STATE'S REQUEST JURY CHARGE #5	JOS
12/05/2002	DEFENDANT'S REQUESTED JURY CHARGE #1 CONTRACTIVE	JOS
12/05/2002	POSSESSION	JOS
12/05/2002	DEFENDANT'S REQUESTED JURY CHARGE #2 ELEMENTS	JOS
12/05/2002	OF CONTRACTIVE POSSESSION	JOS
12/05/2002	DEFENDANT'S REQUESTED JURY CHARGE #3 REQUIREMENT	JOS
12/05/2002	OF PROOF OF POSSESSION	JOS
12/05/2002	***GUILTY VERDICT***	JOS
12/05/2002	***VERDICT***	JOS
12/05/2002	NOW COMES THE JURY AND RETURNS ITS UNANIMOUS	JOS

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
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 PAGE: 6 CIRCUIT CRIMINAL
 ======
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG
 ======
 CITY OF SL0105214 VS WHITLEY JERRY EUGENE
 ======
 CASE: CC 2002 000188.00 FORTSON, GA 31808 0000
 ======
 DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:
 ======
12/05/2002	VERDICT AS FOLLOWS: "WE, THE JURY, FIND THE JOS
12/05/2002	DEFENDANT, JERRY E. WHITLEY, GUILTY OF THE JQS
-----	-----
12/05/2002	OFFENSE OF RESISTING ARREST, AS CHARGED IN THE JOS
-----	-----
12/05/2002	INDICTMENT. DATE: DECEMBER 5, 2002, NICOLE JOS
-----	-----
12/05/2002	GIBBS, FOREPERSON. THE DEFENDANT IS REMANDED JOS
-----	-----
12/05/2002	REMANDED TO THE CUSTODY OF THE SHERIFF, SENTEN- JOS
-----	-----
12/05/2002	CING SET FOR JANUARY 14, 2003, AT 10:00 A.M. JOS
-----	-----
12/09/2002	MOTION FOR APPPOVAL OF EXPENSES APPROVED OF THE JOS
-----	-----
12/09/2002	SUM OF \$400.00 JOS
-----	-----
12/09/2002	MOTION OF EXTRAORDINARY EXPENSES DENIED JOS
-----	-----
12/09/2002	MOTION IN LIMINE DENIED IN PART AND GRANTED IN JOS
-----	-----
12/09/2002	PART IN OPEN COURT JOS
-----	-----
12/09/2002	DISPOSITION JUDGE ID CHANGED FROM: TO: GRG JOS
-----	-----
12/09/2002	SET FOR: SENTENCING DKT/HE ON 01/14/2003 AT 1000A JOS
-----	-----
12/09/2002	CHARGE 01: RESISTING ARREST/#CNTS: 001 (AR10) JOS
-----	-----
12/09/2002	CHARGE 01 DISPOSED BY: CONVICTED ON: 12/05/2002 JOS
-----	-----
01/14/2003	***SENTENCING ORDER*** JOS
-----	-----
01/14/2003	ORDER SENTENCING DEFENDANT TO 6 MONTHS HARD LABOR, JOS
-----	-----
01/14/2003	CREDIT FOR TIME SERVED, TO RUN CONSECUTIVE TO JOS
-----	-----
01/14/2003	CC-2002-186 & 187, COSTS, \$100.00 VCF, \$10.00 JOS
-----	-----
01/14/2003	PER DAY INCARCERATION FEES AND ATTORNEY'S FEES. JOS
-----	-----
01/14/2003	THE PAYMENT OF MONIES SHALL BE A CONDITION OF JOS
-----	-----
01/14/2003	PAROLE, EARLY RELEASE, SIR OR WORK RELEASE. JOS
-----	-----
01/14/2003	*****ORAL NOTICE OF APPEAL***** JOS
-----	-----
01/14/2003	NOTICE OF APPEAL AND MOTION TO APPOINT APPELLATE JOS
-----	-----
01/14/2003	COUNSEL JOS
-----	-----
01/14/2003	CASE APPEALED ON: 01/14/2003 (AR10) JOS
-----	-----
01/14/2003	APPEAL "TO" TYPE: "O" (AR10) JOS
-----	-----
01/16/2003	CASE ACTION SUMMARY PRINTED (AR08) JOS
-----	-----
01/17/2003	APPEAL DATE CHANGED FROM: 00/00/0000 (AR11) TIW
-----	-----
01/17/2003	APPEAL TYPE CHANGED FROM: (AR11) TIW
-----	-----
01/17/2003	INDTRL TYPE CHANGED FROM: (AR11) TIW
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ACR0370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
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 PAGE: 7 CIRCUIT CRIMINAL RUN DATE: 06/05/2003
 ======
 IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SLO105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
 SSN: 259177161 ALIAS NAMES:

01/17/2003	ATYW TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	IRA TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	COURT REPORTER 1 CHANGED FROM:	(AR11)	TIW
01/17/2003	PROSECUTOR CHANGED FROM:	(AR11)	TIW
01/17/2003	ATTY 1 CHANGED FROM:	(AR11)	TIW
01/17/2003	ATTY 1 TYPE CHANGED FROM:	(AR11)	TIW
01/17/2003	IRA TYPE CHANGED FROM: Y	(AR11)	SHG
01/17/2003	APPEAL TYPE CHANGED FROM: O	(AR11)	SHG
01/20/2003	MOTION TO WITHDRAW TRIAL COUNSEL AND APPOINT		SHG
01/20/2003	COUNSEL ON APPEAL		SHG
01/20/2003	MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON		SHG
01/20/2003	APPEAL IN FORMA PAUPERIS		SHG
01/20/2003	CHECK OUT TO GRG		SHG
01/21/2003	PAYMENT TERMS NOTICE MAILED 01/22/2003		AOC
01/21/2003	MOTION CODE 1 CHANGED FROM:	(AR11)	SHG
01/21/2003	MOTION FILE DATE 1 CHANGED FROM: 00/00/0000 (AR11)		SHG
01/23/2003	DOCKETING STATEMENT		SHG
01/23/2003	REPORTER'S TRANSCRIPT ORDER		SHG
01/24/2003	AFFIDAVIT OF SUBSTANTIAL HARDSHIP		SHG
01/27/2003	CHECK OUT TO GRG W/COPY		SHG
02/18/2003	NOTICE OF APPEARANCE BY HON MICHAEL WILLIAMS,SR		TIW
02/18/2003	REPORTER'S TRANSCRIPT ORDER		TIW
02/24/2003	MOTION ACTION 1 CHANGED FROM:	(AR11)	SHG
02/24/2003	MOTION ACTION DATE 1 CHANGED FROM: 00/00/0000		SHG
02/24/2003	ATTY 1 CHANGED FROM: FAR036	(AR11)	SHG
02/24/2003	ATYW TYPE CHANGED FROM: N	(AR11)	TIW
02/24/2003	IRA TYPE CHANGED FROM: N	(AR11)	TIW
02/24/2003	ORDER DESIGNATING INDEGENCY TO PROCEED ON APPEAL		TIW
02/24/2003	IN FORMA PAUPERIS		TIW
02/24/2003	ORDER GRANTING MOTION TO WITHDRAW AND APPOINTING		TIW
02/24/2003	COUNSEL ON APPEAL		TIW
02/27/2003	ORDER RECALLING DEFENDANT'S MOTION TO PROCEED ON		TIW

ACPO370 ALABAMA JUDICIAL INFORMATION SYSTEM CASE: CC 2002 000188.00
OPER: TIW CASE ACTION SUMMARY RUN DATE: 06/05/2003
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===== IN THE CIRCUIT COURT OF RUSSELL JUDGE: GRG

CITY OF SLO105214 VS WHITLEY JERRY EUGENE

CASE: CC 2002 000188.00 FORTSON, GA 31808 0000

DOB: 09/20/1965 SEX: M RACE: W HT: 5 06 WT: 145 HR: BRO EYES: BRO
SSN: 259177161 ALIAS NAMES:

02/27/2003	APPEAL IN FORMA PAUPERIS AND APPOINTMENT OF	TIW
02/27/2003	ATTORNEY	TIW
02/28/2003	IRA TYPE CHANGED FROM: Y	(AR11) TIW
02/28/2003	ATTY 1 CHANGED FROM: FLO017	(AR11) TIW
02/28/2003	ATTY 1 TYPE CHANGED FROM: A	(AR11) TIW
03/11/2003	MOTION FOR LOCAL EXTENSION OF TIME TO COMPLETE THE	TIW
03/11/2003	REPORTER'S TRANSCRIPT	TIW
03/11/2003	ATTORNEY'S FEES (\$10,538.64)	JOS
03/13/2003	ORDER GRANTING ADDITIONAL TIME FOR COMPLETION OF	TIW
03/13/2003	REPORTER'S TRANSCRIPT	TIW
04/08/2003	MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION	TIW
04/08/2003	OF TIME TO FILE TRANSCRIPT	TIW
04/10/2003	ORDER GRANTING EXTENSION OF TIME TO FILE	TIW
04/10/2003	REPORTER'S TRANSCRIPT	TIW
04/14/2003	PAYMENT DELINQUENT NOTICE MAILED ON 04/15/2003	AOC
04/17/2003	ADDR1 CHANGED FROM: 150 REYNOLDS ROAD	(AR01) JOS
04/17/2003	STATUS CHANGED TO: "P" - PRISON	(AR01) JOS
05/05/2003	MOTION TO COURT OF CRIMINAL APPEALS FOR EXTENSION	TIW
05/05/2003	OF TIME TO FILE TRANSCRIPT	TIW
05/07/2003	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO	TIW
05/07/2003	FILE TRANSCRIPT	TIW
05/07/2003	AMENDED ATTORNEY'S FEES (\$1,934.26)	JOS
06/05/2003	CERTIFICATE OF COMPLETION AND TRANSMITTAL OF	TIW
06/05/2003	RECORD ON APPEAL BY TRIAL CLERK	TIW
06/05/2003	CASE ACTION SUMMARY PRINTED	(AR08) TIW

IDENTIFICATION	1 ORI #	2 AGENCY NAME METRO	3 CASE # SL0105214	4 SFX		
	5 LAST, FIRST, MIDDLE NAME Whitley, Jerry Eugene	6 ALIAS AKA				
	SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F RACE <input checked="" type="checkbox"/> W <input type="checkbox"/> A HGT. <input type="checkbox"/> 5'6 HOT. <input type="checkbox"/> 145 WT. <input type="checkbox"/> 80 HAIR <input type="checkbox"/> BROWN SKIN <input type="checkbox"/> 13 SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS	10 EYES <input type="checkbox"/> 11 HAIR <input type="checkbox"/> 12 SKIN <input type="checkbox"/> 13 SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS				
	14	15 PLACE OF BIRTH (CITY, COUNTY, STATE) Colts, GA	16 SSN 2591-117-1716	17 DATE OF BIRTH 09/20/65	18 AGE 35	
	19 MISCELLANEOUS ID #	20 SID #	21 FINGERPRINT CLASS KEY HENRY CLASS	MAJOR PRIMARY SCDV SUB-SECONDARY FINAL	22 DL # 021391837	
	23 ST GA	24 FBI #	NCIC CLASS	25 IDENTIFICATION COMMENTS		
	26 <input checked="" type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	27 HOME ADDRESS (STREET, CITY, STATE, ZIP) RUST DR. Phenix City, AL	28 RESIDENCE PHONE	29 OCCUPATION (BE SPECIFIC) None		
	30 EMPLOYER (NAME OF COMPANY/SCHOOL)	31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)	32 BUSINESS PHONE ()			
	33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP) RUST DR. Phenix City, AL			34 SECTOR #	35 ARRESTED FOR YOUR JURISDICTION? <input type="checkbox"/> YES <input type="checkbox"/> NO	
	36 CONDITION OF ARRESTEE: <input type="checkbox"/> DRUNK <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> DRINKING <input checked="" type="checkbox"/> DRUGS	37 RESIST ARREST? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	38 INJURIES? <input type="checkbox"/> OFFICER <input type="checkbox"/> ARRESTEE	39 ARMED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	40 DESCRIPTION OF WEAPON <input type="checkbox"/> HANDBUN <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> RIFLE <input type="checkbox"/> OTHER WEAPON <input type="checkbox"/> SHOTGUN	
41 DATE OF ARREST 09/20/10 11:30 AM	42 TIME OF ARREST 1 AM	43 DAY OF ARREST S M T W T F S	44 TYPE OF ARREST ON VIEW CALL WARRANT	45 ARRESTED BEFORE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	46 UCR CODE 3599	
47 UCR CODE Possession of a Controlled Substance	48 CHARGE-2 FEL MISO UNlawful Manufacturing a Controlled Substance	49 UCR CODE 3599	50 STATE CODE/LOCAL ORDINANCE 13A-12-212			
51 WARRANT #	52 DATE ISSUED M D Y 13A-12-211	53 STATE CODE/LOCAL ORDINANCE 13A-12-211	54 WARRANT #	55 DATE ISSUED M D Y		
56 CHARGE-3 Resisting arrest	57 UCR CODE 4801	58 CHARGE-4 FEL MISO	59 UCR CODE 4801	60 DATE ISSUED M D Y		
50 STATE CODE/LOCAL ORDINANCE 13A-10-41	61 WARRANT #	62 DATE ISSUED M D Y	63 STATE CODE/LOCAL ORDINANCE 13A-10-41	64 WARRANT #		
66 ARREST DISPOSITION <input type="checkbox"/> HELD <input type="checkbox"/> TOT-LE <input type="checkbox"/> BAIL <input type="checkbox"/> OTHER <input type="checkbox"/> RELEASED	67 IF OUT ON RELEASE WHAT TYPE?	68 ARRESTED WITH (1) ACCOMPLICE (FULL NAME)			69 ARRESTED WITH (2) ACCOMPLICE (FULL NAME)	
70 VPK	71 VMA	72 VMO	73 VST	74 VCO TOP BOTTOM	75 TAG #	
76 VIN				79 IMPOUNDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	80 STORAGE LOCATION/IMPOUND #	
81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED						
<input type="checkbox"/> CONTINUED IN NARRATIVE						
82 JUVENILE DISPOSITION: <input type="checkbox"/> HANDLED AND RELEASED <input type="checkbox"/> REF. TO WELFARE AGENCY <input type="checkbox"/> REF. TO ADULT COURT <input checked="" type="checkbox"/> REF. TO JUVENILE COURT <input type="checkbox"/> REF. TO OTHER POLICE AGENCY			83 RELEASED TO			
84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME)			85 ADDRESS (STREET, CITY, STATE, ZIP)			
86 PARENT'S EMPLOYER			87 OCCUPATION			
88 PERSONAL PROPERTY RELEASED TO ARRESTEE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PARTIAL			89 ADDRESS (STREET, CITY, STATE, ZIP)			
90 PROPERTY NOT RELEASED/HELD AT:			91 DATE AND TIME OF RELEASE 09/20/10 11:30 AM			
92 RELEASING OFFICER NAME Jail			93 AGENCY/DIVISION			
94 ID #			95 RELEASED TO: Russell Co. S.O.			
96 AGENCY/DIVISION			97 AGENCY ADDRESS			
98 PROPERTY NOT RELEASED/HELD AT:			99 SIGNATURE OF RECEIVING OFFICER Allie			
100 SIGNATURE OF RECEIVING OFFICER Allie			101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE) Subject was arrested for poss. of Meth, 1 and Resisting arrest.			
102 SIGNATURE OF RECEIVING OFFICER Allie			103 SIGNATURE OF RELEASING OFFICER			
104 CASE #			105 SFX	106 CASE #	107 SFX	
108 CASE #			111 ARRESTING OFFICER (LAST, FIRST, M.) J. Whitten	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.) Z72 Sgt. Price	
114 ID #						

TYPE OR PRINT IN BLACK INK ONLY

A TRUE BILL, presented to the judge Presiding in open Court by the Foreperson of this Grand Jury, and filed in open court this 16th day of Jan, 2002.

Greg Johnson
Grand Jury Foreman

Kathy Coulter

Clerk of the Circuit Court
of Russell County
Twenty-Sixth Judicial Circuit

CC-02-188

INDICTMENT

THE STATE OF ALABAMA

vs.

JERRY E. WHITLEY
SID: AL01228937

alias

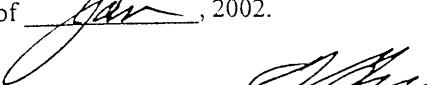
None Reported

CHARGES:

SECTION

1. RESISTING ARREST

Bail fixed at \$1000 this 16 day of Jan, 2002.


Judge Presiding

THE STATE OF ALABAMA
RUSSELL COUNTY

121

CIRCUIT COURT
2002

Prosecutor: BUSTER LANDREAU

KENNETH DAVIS
DISTRICT ATTORNEY
TWENTY-SIXTH JUDICIAL

THE STATE OF ALABAMA, RUSSELL COUNTY
CIRCUIT COURT - TWENTY-SIXTH JUDICIAL CIRCUIT

COUNT 1

The Grand Jury of said county charge that, before the finding of this indictment, JERRY E. WHITLEY, whose name is otherwise unknown to the Grand Jury, did on or about SEPTEMBER 21, 2001 intentionally prevent, or attempt to prevent AGENTS WHITTEN, PRICE, MEMMO AND SPEAR from affecting a lawful arrest of himself, in violation of Section 13A-10-41 of the Code of Alabama,



KENNETH DAVIS
District Attorney
Twenty-Sixth Judicial Circuit

WITNESSES:

SHERWIN BOSWELL., P. O. BOX 3510, AUBURN, AL 36831
AGENT MEMMO, METRO NARCOTICS, P.O. BOX 1866, COLUMBUS, GA 31902
SGT. J. PRICE, METRO, COLUMBUS, GA 31901
AGENT R. SPEAR, METRO, COLUMBUS, GA 31901
AGENT JASON WHITTEN, METRO NARCOTICS TASK FORCE , P.O. BOX 1866, COLUMBUS, GA 31902

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF ALABAMA: CC-02-188
AN INDICTMENT HAS BEEN RETURNED BY THE GRAND JURY OF RUSSELL COUNTY
AGAINST WHITLEY JERRY EUGENE
R.C. JAIL
PHENIX CITY AL 36867-0000

CHARGING THE OFFENSE OF:

RESISTING ARREST 13A-010-041 CNTS: 1

YOU ARE THEREFORE ORDERED TO ARREST THE PERSON NAMED ABOVE AND BRING THAT PERSON BEFORE A JUDGE OR MAGISTRATE OF THIS COURT TO ANSWER THE CHARGES AGAINST THAT PERSON AND HAVE WITH YOU THEN AND THERE THE WARRANT OF ARREST WITH YOUR RETURN THEREON. IF A JUDGE OR MAGISTRATE OF THIS COURT IS UNAVAILABLE, OR IF THE ARREST IS MADE IN ANOTHER COUNTY, YOU SHALL TAKE THE ACCUSED PERSON BEFORE THE NEAREST OR MOST ACCESSIBLE JUDGE OR MAGISTRATE IN THE COUNTY OF ARREST.

BOND SET AT: \$1,000.00

DATE ISSUED: 01/17/2002

CLERK

BY JBS

EXECUTED THIS 18 DAY OF January, 2002, BY
ARRESTING THE WITHIN NAMED DEFENDANT Jerry Eugene Whitley

Sgt. Steve Johnson
LAW ENFORCEMENT OFFICER

BY: _____

DEFENDANT'S FEATURES:

HT: 5'06" HAIR: BRO DOB: 09/20/1965

WT: 145 SEX: M EYE: BRO RACE: W
SSN: 259177161

ADDL COMMENTS: _____

01/17/2002 JOS

AFFIDAVIT OF SUBSTANTIAL
HARDSHIP AND ORDER

CC-02-186-188

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA
(Circuit, District, or Municipal)STYLE OF CASE: State of Alabama v. Jerry E. Whitley
Plaintiff(s) Defendant(s)TYPE OF PROCEEDING: Criminal CHARGE(s) (if applicable): Trafficking/Poss.

- CIVIL CASE— I, because of substantial hardship, am unable to pay the docket fee and service fees in this case. I request that payment of these fees be waived initially and taxed as costs at the conclusion of the case.
- CIVIL CASE— (such as paternity, support, termination of parental rights, dependency) - I am financially unable to hire an attorney and I request that the court appoint one for me.
- CRIMINAL CASE-- I am financially unable to hire an attorney and request that the court appoint one for me.
- DELINQUENCY/NEED OF SUPERVISION-- I am financially unable to hire an attorney and request that the court appoint one for my child/me.

AFFIDAVIT

SECTION I.

1. IDENTIFICATION

Full name Jerry E. Whitley Date of birth 9/20/65Spouse's full name (if married) N/AComplete home address N/ANumber of people living in household N/AHome telephone number N/AOccupation/Job Mechanic Length of employment _____Driver's license number 46 Social Security Number _____Employer Bear Seigler Contr. Employer's telephone number 1-800-999-1770Employer's address Oklahoma City, OK

2. ASSISTANCE BENEFITS

Do you or anyone residing in your household receive benefits from any of the following sources? (If so, please check those which apply.)

 AFDC Food Stamps SSI Medicaid Other _____

3. INCOME/EXPENSE STATEMENT

Monthly Gross Income:

Monthly Gross Income

Spouse's Monthly Gross Income (unless a marital offense)

Other Earnings: Commissions, Bonuses, Interest Income, etc.

Contributions from Other People Living in Household

Unemployment/Workmen's Compensation,

Social Security, Retirements, etc.

Other Income (be specific) _____

\$ 0

_____\$ 0

TOTAL MONTHLY GROSS INCOME

Monthly Expenses:

A. Living Expenses

Rent/Mortgage

Total Utilities: Gas, Electricity, Water, etc.

Food

Clothing

Health Care/Medical

Insurance

Car Payment(s)/Transportation Expenses

Loan Payment(s)

\$ 0

AFFIDAVIT OF SUBSTANTIAL HARDSHIP AND ORDER

Monthly Expenses: (cont'd page 1)
 Credit Card Payment(s) _____
 Educational/Employment Expenses _____
 Other Expenses (be specific) _____

Sub-Total _____
 B. Child Support Payment(s)/Alimony \$ _____
 Sub-Total _____
 C. Exceptional Expenses \$ _____

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

A \$ _____
 B \$ _____
 \$ _____

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ _____

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) _____

Equity in Real Estate (value of property less what you owe) _____

Equity in Personal Property, etc: (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe) _____

Other (be specific) _____

Do you own anything else of value? Yes No
 (land, house, boat, TV, stereo, jewelry) _____

If so, describe _____

\$ _____

TOTAL LIQUID ASSETS

\$ _____

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

5th day of March, 2002.
 I shall file my commission
 JUDGEMENTS 7/20/03
 Judge/Clerk/Notary

Affiant's Signature

Print or Type Name

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

- Affiant is not indigent and request is DENIED.
- Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows: *MUST reimburse \$ 0.00 for all legal fee*
- Affiant is indigent and request is GRANTED.
- The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that L. Faras, is hereby appointed as counsel to represent affiant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney's fees and

expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20th day of Feb, 02.

Judge

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
PLAINTIFF,) RUSSELL COUNTY, ALABAMA
VS.) CASE NO.: CC 02-188
Gerry E. Whitley)
DEFENDANT.)

ARRAIGNMENT ORDER

Defendant appeared in open court on this date at which time:

- The defendant advised the Court that he/she had retained _____, Attorney at law, to represent him/her in these proceedings.
- The defendant advised the Court that he/she was indigent and unable to employ counsel to represent him/her in these proceedings. The Court appointed Saurel Tarras an experienced and competent attorney, to represent him/her in these proceedings.
- Arraignment is continued to _____ at _____ A.M.
- The defendant applied for youthful offender status. Ruling on said application was set for March 12, 2002 at 2:00 P.M.
- The defendant filed a written waiver or waived the reading of the indictment and entered a plea of not guilty to the offense charged therein.
- The Court ordered an alias writ and preliminary forfeiture for the defendant's failure to appear in Court.
- Plea deadline and docket call are set for April 9, 2002 at 10:00 A.M.
- This case is scheduled for trial docket of May 13, 2002.
- The defendant shall pay the sum of \$ _____ per week/month towards his/her attorney's fees. Payments to begin _____.
- _____

DONE this the 20th day of February, 2002.

Judge [Signature]
JUDGE, CIRCUIT COURT

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

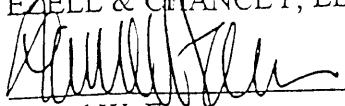
STATE OF ALABAMA,) CRIMINAL CASE NUMBER
Plaintiff,) CC-02-186-188
vs.)
JERRY E. WHITLEY,)
Defendant.)

MOTION FOR APPROVAL OF EXPENSES

Comes now JERRY E. WHITLEY, defendant in the above-stated matter, and respectfully shows the Court as follows:

1. Laurel W. Farrar was appointed by the Court on February 20, 2002, to represent the defendant in this matter.
2. The Alabama Court of Criminal Appeals held in *May v. State* that office overhead expenses constitute "expenses reasonably incurred" and are, therefore, reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), office overhead expenses must be approved by the Trial Court prior to being incurred. In the alternative, under the provisions of said Code Section 15-12-21(d), the Trial Court has the discretion to approve such expenses.
3. Laurel W. Farrar's employer, Ezell & Chancey, LLP, has informed her that her portion of the office overhead is estimated to be \$80,000.00 per year.

WHEREFORE, movant moves this Court to approve payment of office overhead expenses to Laurel W. Farrar in the amount of \$38.46 per hour ($\$80,000.00 \div 2080$).

EZELL & CHANCEY, LLP
By: 
Laurel W. Farrar
Attorneys for Defendant
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

FILED IN OFFICE
MILL FEB 22 2002 3:31 PM
CIRCUIT COURT
RUSSELL CO., AL

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,) CRIMINAL CASE NUMBER
Plaintiff,) CC-02-186-188
vs.)
JERRY E. WHITLEY,)
Defendant.)

2002 FEB 22 PM: 3:30
CIRCUIT DIST. ATTORNEY
RUSSELL CO., AL

REQUEST FOR DISCOVERY

Comes now the defendant in the above-styled cause, by and through defendant's attorney of record, and pursuant to Rules 16.1 and 16.3 of the Alabama Rules of Criminal Procedure, requests the Russell County District Attorney to provide the following-described discovery:

1. To permit the defendant to inspect, examine and copy any written or recorded statements made by the defendant to any law enforcement officer, official or employee which are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney.
2. To disclose the substance of any oral statements made by the defendant before or after arrest to any law enforcement officer, official or employee which the State intends to offer in evidence at the trial of the defendant.
3. To permit the defendant to inspect and copy any written or recorded statement which the State of Alabama intends to offer into evidence at the trial of any co-defendant or accomplice, whether charged or indicted or not, which are in the possession, custody or control of the State of Alabama, the existence of which is known to the District Attorney.
4. To disclose any "deal," "settlement," "agreement," "bargain" or "arrangement" not to prosecute or for a reduced or lesser charge or offense which the State of Alabama has reached or concluded with any accomplice or co-defendant, whether charged or indicted or not.

5. To disclose to the defendant any written or oral statement made by a co-defendant or accomplice, either before or after arrest, to any law enforcement officer, official or employee which the State of Alabama intends to offer as evidence in this cause.

6. To permit the defendant to analyze, inspect and copy or photograph books, papers, documents, photographs, tangible objects, controlled substances or portion of any of these things which are in the possession, custody or control of the State and:

- a. which are material to the preparation of the defendant's defense;
- b. which are intended for use by the State as evidence at the trial of the defendant; or
- c. which were obtained from or belonged to the defendant.

7. To disclose to and provide the defendant with any and all exculpatory evidence known to the District Attorney and in the possession, custody and control of the State of Alabama.

8. To permit the Defendant to inspect and copy any results or reports of physical and mental examinations or scientific tests, experiments or analyses made in connection with this particular case and the results or reports, whether written or oral, and whether the results or reports are in the possession, custody or control of the State and/or the existence of which is known to the District Attorney or the State of Alabama or any of its agencies, officers, agents or employees.

9. To furnish to the defendant copies of any and all medical documents, x-rays, emergency room, hospital, paramedical, physician's or nurse's notes, reports, writings, opinions, test results or other like or similar documents known to the District Attorney and which the District Attorney intends to offer into evidence in the trial of this cause.

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)	CRIMINAL CASE NUMBER
Plaintiff,)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

ORDER ON DEFENDANT'S REQUEST FOR DISCOVERY

Defendant's Request for Discovery having been filed in the above-styled cause pursuant to Rule 16 of the Alabama Rules of Criminal Procedure, the District Attorney of Russell County, Alabama is hereby ordered to produce and disclose information and materials discoverable under the authority of *Brady v. Maryland* and Rule 16 of the Alabama Rules of Criminal Procedure.

SO ORDERED, this 20th day of February, 2002.

George Greene
Honorable George Greene
Judge, Russell County Circuit Court

FILED IN OFFICE

2002 FEB 26 PM 2:33

CIRCUIT COURT
RUSSELL CO., AL

STATE OF ALABAMA
VS.
JERRY WHITLEY

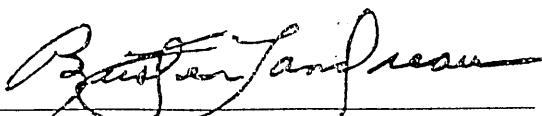
* IN THE CIRCUIT COURT OF
* RUSSELL COUNTY, ALABAMA
* CASE NO. CC-02-186-188

MOTION FOR CONSOLIDATION OF OFFENSES

The State moves the Court for an order that the above actions be tried together, upon the ground that the alleged offenses charged against the defendant in the indictment in each of said actions could have been joined as a single indictment under Rule 13 of the Alabama Rules of Criminal Procedure in that they are:

1. Of the same or similar character; or
2. Based on the same conduct or are otherwise connected in their commission; or
3. Alleged to have been part of a common scheme or plan.

FILED IN 27 FEB 2002
TRAIL COURT CO AL
BUSTE LANDREAU
BY TRIAL TOGETHER OF SAID ACTIONS, THE EXPENSE OF AND TIME CONSUMED IN TRIAL WILL BE MATERIALLY REDUCED.



BUSTER LANDREAU
CHIEF DEPUTY DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the forgoing Motion upon the Hon. LAUREL FARRAR Attorney for the Defendant by placing a copy of the same in a receptacle reserved in his name in the office of the Circuit Clerk of Russell County

Done this 27TH Day of FEBRUARY, 2002.



BUSTER LANDREAU

STATE OF ALABAMA
VS.
JERRY WHITLEY

* * *
IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
CASE NO. CC-02-186-188

MOTION FOR DISCOVERY

Comes now the State of Alabama by and through its District Attorney, Kenneth Davis and moves the Court pursuant to Rule 16.2 of the Alabama Rules of Criminal Procedure to issue an order directed to Hon. **LAUREL FARRAR** Counsel for Defendant, to-wit:

1. To permit the State to analyze, inspect, and copy or photograph books, papers, documents, photographs, audio tapes, video tapes, tangible objects, buildings or places, or portions of any of these things, which are within the possession custody, or control of the Defendant and which the Defendant intends to introduce in evidence at the trial.
2. To permit the State to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this particular case, which are within the possession or control of the Defendant and which he intends to introduce in evidence at the trial or which were prepared by a witness whom the Defendant intends to call at the trial, if the results or reports relate to the witness's testimony.
3. To produce and permit the State to inspect and copy the names and addresses of qualified mental health professionals who have personally examined the Defendant or any evidence in this case, as well as the results of or reports of mental examinations, scientific tests, experiments or comparisons and statements made by such professionals.

FEB 27 2007 PM 2:59
CIRCUIT COURT
RUSSELL CO., AL
FILED IN OFFICE

Done this 27TH Day of February, 2002.

KENNETH DAVIS
DISTRICT ATTORNEY
26TH JUDICIAL CIRCUIT

BY:

Buster Landreau

Buster Landreau
Chief Deputy District Attorney
LAN 034

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Motion for Discovery upon the Hon. LAUREL FARRAR, Counsel for the Defendant, by placing the same in a receptacle reserved in his/her name in the Office of the Clerk of the Circuit Court of Russell County, Alabama.

This the 27th Day of February, 2002.

Buster Landreau

Buster Landreau

STATE OF ALABAMA

*
*
*
*

IN THE CIRCUIT COURT OF
RUSSELL COUNTY, ALABAMA
CASE NO. CC-02-186-188

vs.

JERRY WHITLEY

NOTICE OF COMPLIANCE WITH DISCOVERY REQUEST

TO: LAUREL FARRAR
FROM: Buster Landreau
DATE: February 27, 2002

You filed a Motion for Discovery in the above-styled case(s). The materials to which you are entitled under Rule 16 of the Alabama Rules of Criminal Procedure and **Brady** are ready and available for you to pick up. This case was assigned to me so the material is being kept by me in my office. You will need to sign for this when you pick it up, so if I am not available, you can simply ask Randi Milner or Deborah Kimber and they know where the material is located. If any audio or video discovery exists, you must make an appointment with me to view the item or have a copy made.

FILED IN OFFICE
MM2 FEB 27 PM 2:59
CIRCUIT COURT
RUSSELL CO., AL

PLAINTIFF,

vs.

JERRY WHITLEY

DEFENDANT.

) RUSSELL COUNTY, ALABAMA

) CASE NO. CC 02-186-188

)

)

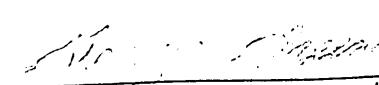
O R D E R

The State of Alabama, by and through its District Attorney, has filed a motion for discovery in the above case. Upon consideration of the motion, it is ORDERED by the Court that the Defendant shall:

1. Permit the District Attorney to analyze, inspect, and copy or photograph books, papers, documents, photographs, tangible objects, buildings or places, or portions of any of these things, which are within the possession, custody or control of the defendant and which the defendant intends to introduce in evidence at the trial.

2. Permit the District Attorney to inspect and copy any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, which are within the possession or control of the defendant and which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at trial, if the results or reports relate to the witness's testimony.

DONE this 28th day of February, 2002.


George R. Greene, Circuit Judge

CIRCUIT COURT
RUSSELL CO., AL

FILED IN OFFICE

2002 FEB 28 PM 4:23

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,)	CRIMINAL CASE NUMBER
Plaintiff,)	CC-02-186-188
)	
vs.)	
)	
JERRY E. WHITLEY,)	
Defendant.)	

ORDER ON MOTION FOR APPROVAL OF EXPENSES

Upon consideration of the Motion for Approval of Expenses filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that the Comptroller for the State of Alabama reimburse Laurel W. Farrar, at the conclusion of her representation of the defendant at the trial court level, the sum of \$38.46 per hour for each hour committed to such representation.

SO ORDERED, this 20th day of February, 2002.

George F. Greene
Honorable George Greene
Judge, Russell County Circuit Court

FILED IN OFFICE

2002 MAR - 1 PM 2:45

CIRCUIT / DIST. COURT
RUSSELL CO., AL

IN THE DISTRICT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,) CRIMINAL CASE NUMBER
Plaintiff,) DC-02-186, 187 and 188
vs.) CC
JERRY E. WHITLEY,)
Defendant.)

MOTION FOR REDUCTION OF BOND

Pursuant to the Alabama Rules of Criminal Procedure, the defendant respectfully moves for this Court to reduce the bond set in the above-styled case to a reasonable amount. As grounds for this motion, defendant states:

1. The defendant's bond is set at \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the charge of Resisting Arrest, for a total of \$271,000.00. The defendant is unable to post the bond as presently set. Accordingly, at this time, the defendant is incarcerated at the Russell County Jail.

2. The aforesaid amount of bond set in this cause is excessive in violation of the constitutional proscription against excessive bail guaranteed to the defendant by Section 16 of the Declaration of Rights of the Alabama Constitution and the Eighth and Fourteenth Amendments to the United States Constitution.

WHEREFORE, defendant respectfully moves that his bond be reduced to a reasonable amount, this 1st day of March, 2002.

EZELL & CHANCEY, LLP

By:


Laurel W. Farrar

Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

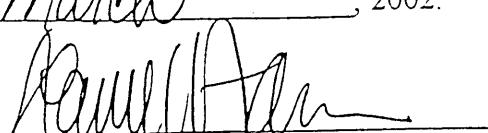
(334) 297-2400

Attorney Code FAR-036

180
FILED IN OFFICE
19 MAR -4 2002
JERRY E. WHITLEY
RUSSELL COUNTY
AL

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing MOTION FOR REDUCTION OF BOND upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 1st day of March, 2002.



Laurel W. Farrar

State of Alabama Unified Judicial System CR-9 Rev. 3/95	PLEA OF NOT GUILTY AND WAIVER OF ARRAIGNMENT	Case Number CC-02-186-188
IN THE <u>CIRCUIT</u> COURT OF <u>RUSSELL COUNTY</u> ALABAMA (Circuit, District, or Municipal)		
STATE OF ALABAMA v. <u>JERRY E. WHITLEY</u> , Defendant		
<p>Comes now, the defendant in the above-styled matter, and to the offense charged enters a plea of</p> <p><input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Not Guilty by Reason of Mental Disease or Defect <input type="checkbox"/> Not Guilty and Not Guilty by Reason of Mental Disease or Defect</p> <p>Defendant acknowledges receipt of the copy of the charge against him/her and further waives the right to have an arraignment at which the defendant is present in person, or at which the defendant is represented by an attorney.</p> <p>But, the defendant specifically and expressly reserves the right upon the filing hereof to hereafter, but before trial or before such date as may be set by the court, to interpose any defenses, objections, or motions which the defendant had the right as a matter of law or rule to interpose in this cause, prior to the filing hereof.</p> <p>Defendant's date of birth is <u>9/20/05</u> Defendant's age is <u>36</u></p> <p>The defendant is not eligible for consideration by the court for youthful offender status as provided by law.</p> <p><u>Jerry Whitley</u> Defendant</p> <p><u>Kathy Coulter</u> Attorney for Defendant</p> <p>This is to certify that I am the attorney for the defendant in this matter, and that I have fully explained this form and all matters set forth herein, and pertaining hereto, to the defendant. I further state to the court that I have explained to the defendant his right to be arraigned in person and his right to have me represent him at arraignment. I further certify to the court that my client hereby knowingly, voluntarily, and intelligently waives these rights after a full and complete explanation of each and every one of them to him/her. BOTH MYSELF AND THE DEFENDANT UNDERSTAND THAT I AM RESPONSIBLE FOR ASCERTAINING WHAT DATE, IF ANY, HAS BEEN SET BY THE COURT FOR THE MAKING OR FILING OF ANY DEFENSES, OBJECTIONS, OR MOTIONS. I FURTHER UNDERSTAND THAT I AM RESPONSIBLE FOR NOTIFYING MY CLIENT OF THE DATE HIS/HER CASE IS SET FOR TRIAL, AND THAT I HAVE ADVISED AND INFORMED HIM/HER THAT IN THE EVENT HE/SHE FAILS TO APPEAR ON THE DATE HIS/HER CASE IS SET FOR TRIAL, ALL APPROPRIATE LEGAL ACTION WILL BE TAKEN BY THE COURT AGAINST THE DEFENDANT AND HIS/HER BOND. I further certify to the court that I have advised my client that he/she is responsible for obtaining appropriate legal action will be taken by the court against the defendant and his/her bond, and I hereby certify that the defendant knows that he/she is personally responsible for obtaining the date his/her case is set for trial and for being present in court on that date.</p> <p><u>Laurel W. Farrar</u> Attorney for Defendant Signature</p> <p><u>P.O. Drawer 2500, Phenix City, AL 36808</u> Printed or Typed Attorney's Name</p> <p><u>Address</u></p> <p>This is to certify that my attorney has explained each and every matter and right set forth in this form and I have completely and fully read and do so understand each and every matter set forth in this form. I further state to the court that I do not wish to be personally present at an arraignment in this case and that I do not want to have an attorney represent me at an arraignment and WITH FULL KNOWLEDGE OF EACH OF THESE RIGHTS, I HEREBY EXPRESSLY WAIVE SUCH RIGHTS. I further state to the court that I have been informed of the charge against me and have received a copy of the charge.</p> <p><u>Jerry Whitley</u> Defendant Signature</p> <p><u>Kathy Coulter</u> Clerk</p> <p>Filed in office this date <u>3/5/02</u> By <u>JB5</u></p>		

100395

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
) RUSSELL COUNTY, ALABAMA
PLAINTIFF,) CASE NO.: CC 02-186, 187,
) 188
VS.)
JERRY E. WHITLEY)
DEFENDANT.)

ORDER

The defendant having filed a motion for reduction of bond and the court having considered same, it is ORDERED that the motion to reduce bond is denied.

DONE this the 6th day of March, 2002.

Judge Whitley
JUDGE, CIRCUIT COURT

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2002 MAR -6 PM 3:01

CIRCUIT / DIST. COURT
RUSSELL CO., AL

IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

JERRY E. WHITLEY,) CASE NO. _____
Petitioner,)
vs.) RUSSELL COUNTY
STATE OF ALABAMA and THOMAS F.) CIRCUIT COURT
BOSWELL, Sheriff of Russell County, Alabama,) CASE NO. CC-02-186, 187, 188
Respondents.)

RECEIVED IN OFFICE
MAY 13, 2007
RUSSELL CO. AL

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner petitions this Court to issue a writ of *habeas corpus* requiring Thomas F. Boswell, Sheriff of Russell County, Alabama, to bring petitioner before this Honorable Court to show just cause as to why petitioner's bond should not be reduced, and as cause therefor, states as follows:

1. This petition for a writ of *habeas corpus* is made on behalf of Jerry E. Whitley, by and through his attorney, Laurel W. Farrar.
2. Petitioner is imprisoned and restrained of his liberty in the Russell County Jail in Phenix City, Alabama, by the Sheriff on felony charges, *to-wit*: Possession of methamphetamine, resisting arrest and trafficking in methamphetamine, pursuant to indictments issued on January 16, 2002, copies of which are attached hereto.
3. Petitioner is restrained of his liberty on said felony charges with bails in the amounts of \$250,000.00 for the charge of Trafficking Methamphetamine, \$20,000.00 for the charge of Possession of a Controlled Substance, and \$1,000.00 for the misdemeanor charge of Resisting Arrest, for a total of \$271,000.00. Said amounts were set by the Honorable George Greene, Russell County Circuit Court Judge.

4. On or about March 4, 2002, the undersigned attorney submitted to the Circuit Court a Motion for Reduction of Bond requesting that petitioner's bond be reduced for the reason that the bond as set was excessive in violation of the constitutional rights of petitioner as set forth in the Eighth and Fourteenth Amendments to the United States Constitution and in violation of the constitutional rights of petitioner as set forth in Article I, Section XVI of the Alabama Constitution, and said motion was denied on March 6, 2002. Copies of said motion and order are attached hereto.

5. The present bond amount is contrary to the provisions of Section 15-13-2, Code of Alabama, as amended, which recognizes the allowance of bail as a matter of right prior to conviction.

6. The present bond amount is excessive to such a degree that it effectively denies petitioner the right to bail prior to conviction.

7. The present bond amount greatly and unreasonably exceeds the recommended range of bail as provided under Rule 7.2 of the Alabama Rules of Criminal Procedure.

WHEREFORE, petitioner prays:

- a. That this Honorable Court grant a writ of *habeas corpus*, and after reviewing all of the evidence and argument of counsel;
- b. That this Honorable Court set a bond that is reasonable and not excessive, all within the guidelines dictated by the Constitutions of Alabama and the United States; and
- c. Grant such other and further relief as may be deemed just in the premises.

EZELL & CHANCEY, LLP
By: Laurel W. Fairar
Laurel W. Fairar
Attorneys for Petitioner
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

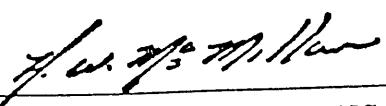
ORDER

CR-01-1243

Ex parte Jerry E. Whitley (In re: State of Alabama vs. Jerry E. Whitley) (Russell Circuit Court: CC02-186, 187, & 188).

Pursuant to the provisions of Rule 21(b), Alabama Rules of Appellate Procedure, the respondent is hereby granted fourteen (14) days to respond to the allegations contained in this petition for writ of habeas corpus.

Done this the 18th day of March, 2002.


H.W. "Bucky" McMillan, PRESIDING JUDGE

CCA/wki

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Honorable Tommy Boswell, Sheriff
Honorable Bill Pryor, Attorney General
Honorable Laurel Wheeling Farrar, Attorney, Petitioner
Honorable Kenneth Davis, District Attorney
Office of Attorney General

IN THE COURT OF CRIMINAL APPEALS OF ALABAMA

JERRY E. WHITLEY,) CASE NO. _____
 Petitioner,)
)
 vs.) RUSSELL COUNTY
) CIRCUIT COURT
) CASE NO. CC-02-186, 187, 188
 STATE OF ALABAMA and THOMAS F.)
 BOSWELL, Sheriff of Russell County, Alabama,)
 Respondents.)
 FILED IN OFFICE
 7/19/05 MR 13 AM 11:07
 CLERK / JUDGE: GEORGE
 RUSSELL CO., AL

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Greene, Russell County Circuit Court Judge.

SS: 6/11/05 12:37PM

FILED IN OFFICE

*Bond reduced to
 60,000 on trafficking charge
 10,000 on possession of
 controlled substance
 1,000 resisting arrest*